

PTO/SB/57 (08-03)

Approved for use through 07/31/2008, OMB 0634-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

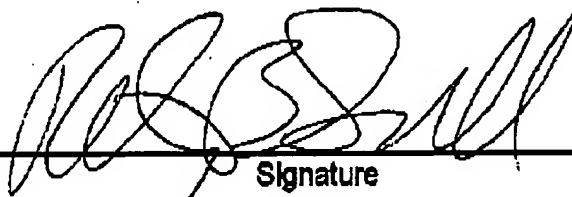
RECEIVED
CENTRAL FAX CENTER

AUG 25 2006

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

August 25, 2006
on _____
Date



Signature

Peter B. Scull

720-377-0773

Typed or printed name of person signing Certificate

In re U.S. Patent Application serial No. 10/562,392

Title: Anesthetic composition for topical administration comprising lidocaine, prilocaine and tetracaine

Filing Date : December 19, 2005

Attorney Docket No. 264-011-USP

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

MAIL STOP PGPUB

PTO Fax Number: 571-273-8300

From: Peter B. Scull, Reg. No. 37,932

Transmitted herewith are:

this Certificate of Transmission (1 page); and,
Petition for Republication (2 pages) with two pages of exhibits.

Transmission Date : August 25, 2006

Total Pages in Transmission: 6 pages

Please notify us immediately (720-377-0777) if there is a problem with receipt of this fax.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

USTPO Central Facsimile No. (571) 273-8300
ATTENTION: MAIL STOP PGPUBIN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED
CENTRAL FAX CENTER

AUG 25 2006

In re Application of:

Applicant	: Fernando Bouffard Fita	Confirmation No:	8090
Appln. No.	: 10/562,392	Group Art Unit:	not yet assigned
Filed	: December 19, 2005	Examiner:	not yet assigned
Title	: ANESTHETIC COMPOSITION FOR TOPICAL ADMINISTRATION COMPRISING LIDOCAINE, PRILOCAINE AND TETRACAINE		

PETITION FOR REPUBLICATION OF CORRECTED PATENT APPLICATION
PURSUANT TO 37 C.F.R. § 1.221(b)

MAIL STOP PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-referenced patent application was published on June 29, 2006 and contains a material mistake made by the U.S. Patent and Trademark Office, which is apparent from the Office records. The application contains a material mistake in the international filing date (or "PCT Filed" date) on the front page of the application. The correct International filing date (or "PCT Filed" date) is "June 1, 2004," not "July 1, 2004," as mistakenly shown on the front page of the application.

The materiality of this mistake lies in the relation of the International filing date (or "PCT Filed" date) to the priority date, whereby the errantly-published PCT Filed date of July 1, 2004, suggests that the PCT application was filed later than necessary to obtain priority, and thus presents the appearance that the PCT application did not appropriately claim priority from the earlier filing in June of 2003. This is indeed not the case because the PCT application was timely filed on June 1, 2004, and correctly claimed priority to the earlier case. Applicant also submits herewith supporting documents showing: 1) the relevant page of the original filing documents clearly showing the correct

Attorney Docket No: 264-011-USP

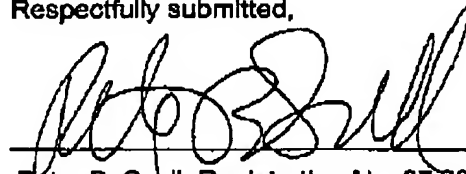
USTPO Central Facsimile No. (571) 273-8300
ATTENTION: MAIL STOP PGPUB

international PCT filing date (i.e. June 1, 2004); and II) the front page of the published application showing the incorrect international filing date (i.e. July 1, 2004).

Applicant is submitting this petition within the required two months of publication of the above-referenced application and respectfully requests republication of the above-referenced application to correct the material mistake pursuant to 37 CFR § 1.221(b). Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 as necessary.

August 25, 2006

Respectfully submitted,



Peter B. Scull, Registration No. 37,932
Attorney for Applicant
HENSLEY KIM & EDGINGTON, LLC
USPTO Customer No. 45346
Tel: 720-377-0773
Fax: 720-377-0777

Attorney Docket No: 264-011-USP



US 20060140986A1

(19) **United States**(12) **Patent Application Publication**(10) **Pub. No.: US 2006/0140986 A1****Fita**(43) **Pub. Date: Jun. 29, 2006**(54) **ANESTHETIC COMPOSITION FOR
TOPICAL ADMINISTRATION****Publication Classification**(76) **Inventor: Fernando Bouffard Fita, Barcelona
(ES)**(51) **Int. Cl.****A61K 9/00****(2006.01)****A61K 31/24****(2006.01)**(52) **U.S. CL.****424/400; 514/537****Correspondence Address:****HENSLEY KIM & EDGINGTON, LLC
1660 LINCOLN STREET, SUITE 3050
DENVER, CO 80264 (US)**

(57)

ABSTRACT(21) **Appl. No.: 10/562,392**(22) **PCT Filed: June
-Jul 1, 2004**(86) **PCT No.: PCT/EP04/50967**(30) **Foreign Application Priority Data****Jun. 19, 2003 (ES) P200301548**

It comprises a mixture of lidocaine, prilocaine and tetracaine, or their pharmaceutically acceptable salts. The preferred composition comprises the following components in the indicated approximate w/w percentages: 1.5% of lidocaine base; 1.5% of prilocaine base; 4% of tetracaine base; 10% of methylpyrrolidone; 2% of dimethyl sulfoxide; 0.08% of topical hyaluronidase; 1.5% of guar gum; 1% of Tween-20; 0.5% of Tween-80, and the necessary amount of water to 100%. It exhibits a high concentration on skin, a deep anesthetic effect and a significantly more rapid onset of the anesthetic effect than comparable transdermal anesthetics.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 264-011-USP
INTERNATIONAL APPLICATION NO. PCT/EP2004/050867		INTERNATIONAL FILING DATE 1 June 2004
INTERNATIONAL APPLICATION NO. PCT/EP2004/050867		PRIORITY DATE CLAIMED 19 June 2003
TITLE OF INVENTION Anesthetic Composition for Topical Administration Comprising Lidocaine, Prilocaine and Tetracaine		
APPLICANT(S) FOR DO/EO/US Fernando Bouffard Fita		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (8) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. (courtesy copy)</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.78.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. (as part of Declaration)</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</p>		

RECEIVED
CENTRAL FAX CENTER

AUG 25 2006

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information; preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

Page 1 of 3